COURT NO.6

THE HIGH COURT OF UTTARANCHAL AT NAINITAL

CIVIL REVISION NO. 40 OF 2004

M/S Himalayan Industries through its
Manager Administration.

…Revisionist.

VERSUS

1. Civil Judge (S.D.) Dehradun,
2. M/s Satya Industries Service
   Through its partner Shri Pankaj
   Gupta.

…Respondents.

Date 21.07.2004

Hon'ble B.S. Verma, J.

Heard Sri Ashok Aggarwal, Ld. counsel for the revisionist.

The revisionist has filed revision against the order dated 07-07-2004, passed by Civil Judge (Senior Division) Dehradun, by which application No. 284-C of the applicant-revisionist for putting evidence was partly dismissed.

Proviso to Section 115 of the C.P.C., as amended by the Act 1999 w.e.f. 1st July, 2002, lays down *"that the High Court shall not, under this section, vary or reverse any order made, or any order deciding an issue, in the course of a suit or other proceedings, except where the order, if it has been made in favour*

of the party applying for revision, would have finally disposed of the suit or other proceedings." In the instant case also, the impugned order of learned lower Court has not finally disposed of the suit or the proceedings. The impugned order does not finally decide the lis.

Further, in view of the apex Court judgment in the case of ***"Shiv Shakti Co-operative Housing Society, Nagpur versus Swaraj Developers and others" (2003) 6 Supreme Court Cases, 659),*** present revision petition is not maintainable and is hereby dismissed in-limine. However, the revisionist may pursue appropriate remedy.

(B.S. Verma, J.)

RCP